

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/732,721
Attorney Docket No. Q62202

REMARKS

I. General Remarks

Claims. Claims 1-10 and 12-16 are all the claims currently pending in the present application. All of Claims 1-10 and 12-16 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Rossmann, U.S. Patent No. 6,625,447 ("Rossmann"). Applicants respectfully traverse the rejection of these claims as discussed below.

Interview. A personal interview was conducted with the Examiner on June 9, 2004. A Statement of the Substance of the Interview follows.

II. Statement of the Substance of the Interview

At the interview conducted on June 9, 2004, the outstanding rejections of Claims 1-10 and 12-16 were discussed. The invention of the present application was discussed in view of the Rossmann reference. Applicants' arguments, presented herein, regarding the Examiner's §102(e) rejection of the pending claims, were discussed. The Examiner agreed to reconsider the standing rejection in view of these arguments.

III. Claim Rejections

A. Displaying data other than that which has been selected for display

Regarding Claims 1, 6, and 12-16, Applicants respectfully submit that Rossmann fails to disclose or suggest displaying data other than that which has been selected. This limitation is found in each of Claims 1, 6, and 12-16:

Claim 1 recites displaying first unit transfer data and another data when only first unit transfer data is designated.

Claim 6 recites displaying first unit transfer data and second unit transfer data when only first unit transfer data is designated.

Claim 12 recites displaying unit display data after displaying special unit display data when only unit display data is designated.

Claim 13 recites displaying first unit transfer data after displaying second unit transfer data when only first unit display data is designated.

Claim 14 recites displaying a special card before displaying the selected card when only the selected card is designated.

Claim 15 recites displaying special data before display data when only display data is designated.

Claim 16 recites displaying second data before displaying first data when only first data is designated.

According to the present invention, as recited in each of Claims 1, 6, and 12-16, when display of certain data is designated (for example when display of first unit transfer data is designated, as recited in Claim 1), other data (for example “another display data,” as recited in Claim 1) is also displayed. In other words, when a user selects data for display the selected data

is not the only data that is displayed. Some of the data that is displayed is “another data” which the user did not designate for display.

The Examiner refers to elements 200, 202, and 204 in Fig. 2A-2C, col. 12, Ins. 16-33, and col. 13, Ins. 52-62 of Rossmann as disclosing this limitation. (Office Action, p. 2). However, contrary to the assertion of the Examiner, Applicants submit that there is no disclosure or suggestion in Rossmann of displaying anything other than or in addition to the specific data which is selected by the user. As described, each menu item illustrated in Fig. 2A-2C is associated with a resource locator, and when a user selects a particular menu item, the resource locator that the selected item is linked to is displayed. (Col. 12, Ins. 53-65). The “soft keys” which are also depicted in Fig. 2A-2C, and which are displayed along with the menu, are defined only for the card used to generate the screen display. (Col. 12, Ins. 16-33). These “soft keys” and the data associated with them is specific to the selected card. Rossmann fails to disclose or suggest displaying any data other than or in addition to the data designated for display by the user.

Therefore, for at least these reasons, Applicants submit that Claims 1, 6, and 12-16 are not anticipated by Rossmann.

B. Displaying data previously stored at the transmission destination

Regarding Claim 1, Applicants further submit that Rossmann fails to disclose or suggest displaying data previously stored in the transmission destination, as claimed.

There is no disclosure or suggestion in Rossmann of data which is previously stored in a portable. According to Rossmann, an important aspect of the invention “is that the message [data from the server] includes all information necessary for the client module to generate the user interface.” (Col. 5, lns. 25-30). Accordingly, the data which is used at the portable is not pre-stored, but rather is received from the server.

The Examiner refers to the soft keys, illustrated in Fig. 2 and discussed above, as being previously stored in the portable. (Office Action, p. 2). However, as discussed above, these keys and the data associated therewith are specific to the card selected by the user and used to generate the screen display, and are part of the data transmitted in the deck of cards from the server. (Col. 13, lns. 54-55, col. 16, lns. 58-64, and col. 48, lns. 50-55). Therefore, these keys are not data which is previously stored in a transmission destination, as claimed.

Therefore, Applicants submit that for this additional reason, Claim 1 is not anticipated by Rossmann.

C. Displaying data in a predetermined order

Regarding Claim 2, Applicants submit that Rossmann fails to disclose or suggest displaying data in a predetermined order, as claimed. The Examiner asserts that as the data of Rossmann, received from the server in the form of cards can be displayed by the user in any order, “therefore it is obvious that the user can select in any order of cards meaning as predetermined order selected by the user.” (Office Action, p. 2).

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Regarding this assertion, Applicants first note that Claim 2 stands rejected over Rossmann under 35 U.S.C. § 102(e). Thus, Applicants point out that in order be an “anticipation” rejection under 35 U.S.C. § 102, the cited reference must teach every element and limitation of the Applicant’s claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Therefore, an argument which states that a claimed limitation is *obvious* in view of the cited reference is not appropriate with respect to a §102 rejection.

Further, Applicants submit that a user selecting the order of display of data according to whim, as described in Rossmann, and as acknowledged by the Examiner, is not equivalent to displaying data in a predetermined order, as claimed. Applicants submit that the term “predetermined order” is to be construed in light of the specification. As described in the specification at least at pages 11-15, with reference to Description Sample 2 and Figure 3, the order in which the data is displayed is determined by code contained within the data transmitted to the transmission destination. The Examiner’s interpretation that the limitation of a “predetermined order” is anticipated by the disclosure of a user selecting an order at whim is nonsensical and amounts to affording no meaning to the term “predetermined.” Predetermined means determined ahead of time. The Examiner would have us believe that an order of display of data is predetermined because at the time that a user selects what data is to be displayed, the order is predetermined in the mind of the user. However, this clearly fails to anticipate

“displaying the unit display data of the first unit transfer data and the special unit display data as another display data in a predetermined order,” as recited in Claim 2.

Therefore, for at least these reasons, Applicants submit that Claim 2 is not anticipated by Rossmann.

D. Displaying data for a predetermined period of time

Regarding Claims 4 and 8, Applicants submit that Rossmann fails to disclose or suggest displaying data for a predetermined period of time, as claimed.

The Examiner refers to col. 48, ln. 31 to col. 49, ln. 36 as disclosing this limitation. (Office Action, p. 4). This portion of Rossmann is a description of PIDL and TIL. The period of time which the Examiner refers to is a predetermined cache time, which is the period of time during which a deck, transmitted by the server, is temporarily stored. (Col. 31, lns. 41-48 and col. 49, lns. 1-7). This predetermined cache time is not a period of time during which data is displayed. Further, there is no disclosure or suggestion in Rossmann of any other period of time.

Therefore, for at least these reasons, Applicants submit that Claims 4 and 8 are not anticipated by Rossmann.

E. Transferring section data from a second source when display of first data is designated

Regarding Claims 6, 13, and 16, Applicants further submit that Rossmann fails to disclose or suggest transferring second data from a second transmission source when the display

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of first data is designated. The Examiner refers to Fig. 1, servers 121, 131, and 141, and col. 12, lns. 16-52 to disclose this limitation.

Applicants respectfully submit that while a user cellular telephone 100 may be connected to multiple servers, 121, 131, and 141, as shown in Fig. 1, there is no disclosure or suggestion in Rossmann of the cellular phone being transmitted second data from a second transmission source when the display of first data is designated. In fact, the description at col. 12, lns. 16-52, which the Examiner refers to describes the cellular phone 100 being transmitted only a single deck from only a single server 121. The Examiner has failed to point out any disclosure in Rossmann that discloses the above-mentioned limitation.

Therefore, Applicants submit that, in addition to the arguments presented above, Claims 6, 13, and 16 are not anticipated by Rossmann for at least this reason.

F. Summary Claims 1-10 and 12-16

For at least the above-presented reasons, Applicants submit that Claims 1, 2, 4, 6, 8, and 12-16 are not anticipated by Rossmann. Further, Applicants submit that Claims 3, 5, 7, 9, and 10 are patentable at least by virtue of their dependence on Claim 1. Therefore, Applicants respectfully request that the §102(e) rejection of Claims 1-10 and 12-16 be reconsidered and withdrawn.

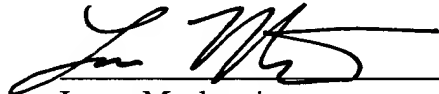
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IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Laura Moskowitz
Registration No. 55,470

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 16, 2004